

Appl. No. : 10/065,120
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AMENDMENTS TO THE CLAIMS

1. (Previously Presented) An apparatus, comprising:

a cellular phone having a position detection module therein which determines a position of said cellular phone and reports information indicative of said position of said electronic device to a remote object; and

an override control, which includes a manual actuating mechanism that is actuated to enhance privacy and which, in response to manual actuation of said actuating mechanism produces a signal state that prevents said position detection module from determining its position, but which allows other parts of said electronic device to operate.

2. (Original) An apparatus as in claim 1, wherein said position detection module is a satellite positioning system receiver.

3. (Previously Presented) A method, comprising:

operating a cellular phone in a first mode in which its position can be detected by an automatic position sensing device and automatically reported to a remote location; and

responsive to an action by a user of a specific type that is made to enhance the privacy, operating said cellular phone in a second, privacy enhanced mode, in which cellular phone functions can be used to place and/or receive calls, but its a position of said cellular phone can not be automatically detected by said automatic position sensing device.

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4. (Original) A method as in claim 3, further comprising testing said cellular phone while operating in said second, privacy enhanced mode, to determine whether privacy is actually enhanced.

5. (Original) A method as in claim 4, wherein said testing comprises using a network based service to test whether privacy is enhanced.

6. (Original) A method as in claim 5, wherein said network based service updates software that carries out said testing.

7. (Original) A method as in claim 3, wherein said action by said user of the specified type comprises actuating an actuation element on the cellular telephone.

8. Canceled.

9. (Currently Amended) An apparatus, comprising:
an electronic device including a cellular telephone having a position detection module therein which determines a position of said electronic device and reports information indicative of said position of said electronic device to a remote object; and

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an override control, which includes a manual actuating mechanism which is formed of a single button which is pressed to activate a position privacy control and which, in response to manual actuation of said actuating mechanism produces a signal state that prevents said position detection module from reporting said information about its position, but which allows other parts of said electronic device to operate, wherein said override control operates in response to said manual actuation to produce a signal that prevents said position detection module from reporting any information, in any mode of said electronic device, until said manually deactuated.

10. (Currently Amended) An apparatus, comprising:

a portable telephone, including:

- (1) telephone electronics enabling telephone communication;
- (2) a position detection module therein which enables determining a position of said portable telephone as a determined position; and
- (3) a reporting device which reports information indicative of said determined position of said portable telephone to a remote object; and
- (4) a manually operable override control, associated with said portable telephone, operating in response to a manual press of a single button on the portable telephone to request operation that requests privacy enhancement to prevent said reporting device from reporting any information indicative of the determined position in any mode of operation of said portable telephone, but allowing said telephone electronics to continue to operate.

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11. (Original) An apparatus as in claim 10, wherein said override control prevents said position detection module from determining said determined position.

12. (Original) An apparatus as in claim 10, wherein said operating said override control allows said position detection module to determine said determined position, but prevents said reporting device from reporting said information indicative of said determined position.

13. (Original) An apparatus as in claim 10, wherein said position detection module includes a satellite positioning system device.

14. Cancelled

15. (Currently Amended) An apparatus as in claim 1014, wherein said override control produces an enable signal state which enables the position detector to determine its position and report that position to said remote object.

16. (Withdrawn) An apparatus as in claim 30, wherein said remote object includes a base station associated with a telephone system.

17. (Original) An apparatus as in claim 10, further comprising an indicator which indicates whether the override control is in a state which prevents said reporting device from reporting.

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18. (Original) An apparatus as in claim 17, wherein said indicator includes an optical indicator.

19. (Original) An apparatus as in claim 18, wherein said optical indicator includes an indicator which can be selectively illuminated.

20. (Currently Amended) An apparatus, comprising:
an electronic device including a telephone having a first electronics module, and a position detection module therein which determines a position of said electronic device and produces a signal for reporting information indicative of said position of said electronic device to a remote object; and
a position reporting control, which includes a manual control button, on the device that is actuated pressed once to enhance security, which is manually actuatable by a user, and which, in response to being pressed once a first specified actuation by a user, prevents any reporting of said information about position in any mode of said electronic device until a second press specified actuation by a user, but which allows said first electronics module to continue to operate after said first specified press actuation and before said second specified actuation press.

21. Cancelled

22. (Original) An apparatus as in claim 20, wherein said first specified actuation prevents said position detection module from determining said determined position.

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23. (Original) An apparatus as in claim 20, wherein said first specified actuation prevents said position reporting device from reporting information indicative of the determined position.

24. (Original) An apparatus as in claim 20, wherein said first electronics module includes communication circuitry, which continues to operate after said first specified actuation.

25. (Original) An apparatus as in claim 24, wherein said apparatus includes a portable telephone, and said first electronics module includes circuitry associated with said portable telephone, including circuitry for communicating with a base station associated with the telephone.

26. (Original) An apparatus as in claim 20, further comprising an indicator, which indicates a state of said first specified actuation.

27. (Original) An apparatus as in claim 26, wherein said indicator is an optical indicator.

28. (Previously Presented) An apparatus, comprising:

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a cellular telephone, having a cellular electronics module, and a position detection module which determines a position of said cellular telephone and produces a signal for reporting information indicative of said position of said cellular telephone to a remote object;

a position reporting control, which includes a manual control, which is manually actuatable by a user, and which, in response to a first specified actuation by a user, prevents any reporting of said information about position, in any mode of operation of said cellular telephone, until a second specified actuation by a user, but which allows said cellular electronics module to continue to operate; and

an optical indicator, which produces an optical indication which indicates that said first specified actuation has been carried out, and that a privacy enhanced mode has been entered.

29. (Original) An apparatus as in claim 28, wherein said first specified actuation prevents said position detection module from determining said determined position.

30. (Original) An apparatus as in claim 28, wherein said first specified actuation prevents a reporting device from reporting information indicative of the determined position.

31. (Currently Amended) A method of operating a cellular telephone, comprising:

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allowing, in a first mode of operation, automatic reporting of a position of said cellular telephone via satellite positioning, and allowing communication between said cellular telephone and a cellular telephone base station; and

responsive to a manual actuation, allowing a second mode of operation which prevents any automatic reporting of said position of said cellular telephone via said satellite positioning, but which still allows communications between said cellular telephone and said cellular telephone base station;

wherein said second mode of operation allows said position module to detect a position via satellite positioning, but prevents reporting of the detected position.

32. Cancelled

33. Cancelled

34. Cancelled

35. (Original) A method as in claim 31, further comprising indicating that said reporting is blocked, using an optical indicator.

36. Previously Cancelled

37. (Withdrawn) A system, comprising:
a test module, associated with an electronic device, and operable to test an amount of privacy for the electronic device.

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38. (Withdrawn) A system as in claim 37, wherein said tested module tests whether said electronic device is currently reporting a position.

39. (Withdrawn) A system as in claim 37, wherein said electronic device includes a wireless communication element.

40. (Withdrawn) A system as in claim 37, wherein said electronic device includes a cellular telephone.

41. (Withdrawn) A system as in claims 39, wherein said electronic device communicates using said wireless communication element to obtain updates to test said amount of privacy.

42. (Withdrawn) A system as in claim 41, wherein said updates include information about latest ways to improperly obtain a position of the wireless communication element.

43. (Withdrawn) A system as in claim 37, wherein said test module attempts to obtain certain information, and evaluates a success at obtaining said information to test said amount of privacy.

44. (Withdrawn) A system as in claim 43, wherein said certain information includes position information of the electronic device.

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45. (Withdrawn) A method, comprising:

testing an electronic device to determine its privacy, and reporting a result of said testing.

46. (Withdrawn) A method as in claim 45, wherein said determine privacy comprises determining if said electronic device is automatically reporting its position.

47. (Withdrawn) A system as in claim 37, further comprising using said electronic device for wireless communication.

48. (Withdrawn) A system as in claim 47, who further comprising updating a way that testing is carried out using said wireless communication medium.

49. (Withdrawn) A system as in claim 48, wherein said testing is carried out using requests that attempt to violates the users privacy, and evaluating whether the electronic device responds to said requests.

50. (Withdrawn) A system as in claim 49, wherein said updating comprises updating new attempts to violate the users privacy.

REMARKS

Reconsideration and allowance of the above-referenced application is respectfully requested.

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In response to the rejection, claims 9, 20 and 31 have been amended, and multiple claims have been canceled.

Claims 1-8 stand rejected under 35 U.S.C. 103 as allegedly being unpatentable over any of Lemelson or Zellner or Moles in view of Seiple. This contention is respectfully traversed, and it is respectfully suggested that the rejection does not meet the Patent Office's burden of providing a *prima facie* showing of unpatentability.

Claim 1 requires a cellular telephone which determines its position and reports information, along with an override control that is actuated to enhance privacy and which when actuated produces a signal state that prevents the position detection module from determining its position. The rejection cites Lemelson, Zellner and Moles, each of which show techniques related to preventing position from being detected.

Lemelson teaches a system which uses GPS to track an object, for example, when it has been stolen. The rejection points out that security may require a PIN; see for example column 4 beginning at line 48. The PIN must be capable of being entered remotely, since the person who stole the item would certainly not be expected to cooperate in entering the PIN.

Zellner teaches a network system that allows blocking a user from having their location monitored. As can be seen, the wireless network 210 includes a location blocking processor 206 which presumably could be used to block the determination of the location. Again, this requires remote access to the tracked device.

Moles teaches a system in which a location privacy flag 272 can be set by entering data on the keypad. This prevents information from being sent.

In all of these systems, the information is acquired, but prevented from being sent. The rejection tacitly acknowledges this. Seiple is provided to show turning off the

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GPS receiver when in a standby mode. However, 1) using Seiple in a way that required turning off the GPS would destroy Seiple's intended function of being usable as an emergency location device, and 2) even if combined, the combination still would not suggest all the limitations of claims 1-8.

First of all, none of the cited references, that is not Lemelson, not Zellner and not Moles, teaches any reason why it might be advantageous to prevent the GPS information from ever being produced, as defined by claims 1-8. Each of these references simply teach preventing the information, which is already produced, from being sent. However, this leaves the possibility for example, for someone to obtain the information improperly. The only way to be really sure that the information is not sent, is to prevent it from being obtained in the first place.

Seiple certainly does not prevent the information from being obtained. In fact, any operation of Seiple that would prevent that information from being obtained, would destroy the inherent functionality of Seiple. Seiple is a system for use in emergency location of someone who falls overboard on a ship. Seiple teaches, and as well known, that if the GPS device were completely off, it could take some amount of time, for example 5 - 10 minutes, to obtain the initial GPS fix. Seiple is intended to be used in an emergency. It certainly could not wait 5 to 10 minutes. While it is certainly true that Seiple takes various steps to minimize the power, it is also true that Seiple inherently must have current GPS information, or else it could not operate as an emergency device - its intended purpose. In fact, note column 6, and specifically that expired almanac data is a "(minor) fault". Clearly Seiple teaches that GPS data is constantly being obtained. Battery consumption is monitored in Seiple, but Seiple is not prevented

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"from determining its position" at any time. In fact, if the position in Seiple is not current, it is considered a fault, see above.

Even if combined, therefore, the hypothetical combination of Lemelson, Zellner and Moles along with Seiple would teach a system that had the subject matter of Lemelson, Zellner and Moles, along with a Seiple type system that tries to maintain power, but always maintains at least some part of its position. There is no teaching or suggestion of a manual actuation that "prevents said position detection module from determining its position" as claimed. In fact, PREVENTING the position detection module from determining its position is exactly CONTRARY to Seiple's teaching. Therefore, claim 1 should be allowable over this hypothetical combination of prior art.

Claim 3 should be even further allowable. Claim 3 requires that a cellular phone be used, and that the action is "made to enhance the privacy". Nothing in Seiple could be combined with the primary references in the way that could be used to enhance the privacy, as claimed. Seiple teaches that the location data must ALWAYS be obtained. Enhancing privacy, as claimed, would expressly contradict Seiple's necessity to have current information, at all times.

Moreover, as described above, Seiple expressly teaches that the current position must always be known and obtained. It does not teach a mode in which a position of a cellular phone cannot be automatically detected. In fact, any attempt to prevent Seiple from automatically detecting its position would prevent Seiple from being used for its primary function: as a personal emergency location system.

Therefore, claim 3 should be allowable along with the claims which depend therefrom.

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Claims 4-6 define testing to determine whether the privacy is really been enhanced. This is nowhere taught or suggested by any of the cited prior art, in any form. Claim 4 defines testing to determine if privacy is enhanced. Claims 5 and 6 define aspects of this operation.

Claims 9-15 and 17-35 stand rejected as being anticipated individually by any of Lemelson, Zellner or Moles. Claim 9 has been amended to recite that the manual actuating mechanism is formed of a single button that is pressed to activate the position blocking control. This is a much more convenient and secure system than the system described by any of the cited prior art.

A problem with remote access as described by Lemelson and/or Zellner, however, is that someone can surreptitiously gain that remote access. In both of these systems, the control of receiving the position is by remote access. Control of privacy that is actually on the unit being controlled, in claim 9 a single button press, is more secure.

Lemelson requires remote control of the privacy using remotely entered PIN and certainly does not teach a local single button. Zellner teaches the wireless block being from a special network and again does not teach the local button.

Moles requires entering data through the keypad, and again does not teach or suggest the single button control that is defined by claim 9. The control of privacy using a single button press is much more convenient than Moles' use of data via a keyboard.

Claim 10 has also been amended to recite that the privacy enhancement is formed by a press of the single button on the portable telephone. This is not taught or suggested by any of the cited prior art, and should be allowable thereover.

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Claim 11 defines that the override control prevents the position detection module from determining its position. This is not shown in Lemelson, Zellner or Moles. In each of these systems, the data is determined, just not sent. Therefore, claim 11 is certainly not anticipated by any of the primary references.

Claims 17 defines an indicator that indicates whether the override control is in a state that prevents the report, claim 18 defines an optical indicator, and claim 19 defines that indicator being illuminated. None of the cited primary references in any way teach or suggest such an indicator. Lemelson is entirely silent about such an indicator. Zellner is similarly silent about such an indicator. Moles teaches that the data is entered on the telephone, but is silent about an indicator. Therefore, claims 17-19 are not disclosed by Lemelson, Zellner or Moles, and clearly, therefore, claims 17-19 are not anticipated thereby.

Claim 20 has been amended to recite that the position reporting control includes a manual button on the device that is pressed once to enhance security. This is not disclosed by Lemelson, Zellner or Moles, and therefore is not anticipated thereby.

Claim 22 specifies that the actuation prevents the module from determining its determined position, which is certainly not anticipated by the primary references and should be independently allowable.

Claims 26-27 define an indicator, which is not disclosed by the cited prior art, and hence is not anticipated by Lemelson, Zellner or Moles.

Claim 28 defines, in addition to the position reporting control and the cellular telephone, "an optical indicator which produces an optical indication which indicates that said first specified actuation has been carried out, and that a privacy enhanced

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mode has been entered". As described above, none of the primary references teach anything about such an indicator. Therefore, claim 28 is not anticipated thereby.

Claim 29 is even further patentable, since it defines that the actuation prevents the position detection module from determining its position. As described above, this is not shown by Lemelson, Zellner or Moles, and therefore claim 29 clearly is not anticipated thereby.

Claim 31 has been amended to include the limitations of claims 32 and 33 therein. As amended, this requires that the second mode of operation prevents the position module from detecting the position. As described above, and as tacitly admitted in the office action, this is not disclosed in the Lemelson, Zellner or Moles. Therefore, this claim should be allowable thereover.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Therefore, for reasons stated above, it is respectfully suggested that all of the claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

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Respectfully submitted,

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